



**DOCKET #:** W3077

**PROPOSED ZONING:**  
HB

**EXISTING ZONING:**  
LI

**PETITIONER:**  
Waughtown Leasing Company  
LLC for property owned by Same

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 2

**ACRES:** 0.36

**NEAREST  
BLDG:** 80' northwest

**MAP(S):** 636846



September 22, 2010

Waughtown Leasing Company, LLC  
c/o James A. Wilson, Jr.  
411 Waughtown Street  
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT W-3077

Dear Mr. Wilson:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP  
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102

**ACTION REQUEST FORM**

**DATE:** September 22, 2010  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Waughtown Leasing Company, LLC

**SUMMARY OF INFORMATION:**

Zoning map amendment of Waughtown Leasing Company, LLC from LI to HB: property is located at the southeast terminus of Fayetteville Street, east of Lomond Street (Zoning Docket W-3077).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** UNANIMOUS  
**FOR:** NONE  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Waughtown Leasing Company, LLC, Docket W-3077

AN ORDINANCE AMENDING THE WINSTON-SALEM  
CITY ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF THE CITY OF  
WINSTON-SALEM, N.C.

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BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from LI to HB the zoning classification of the following described property:

Lying and being in Winston Township of Forsyth County, NC and beginning at an NCDOT R/W monument, said monument being located in the West right of way line of the Southbound portion of US 52 at the Waughtown Street exit ramp, being located at the Northwest corner of Tax Lot 011A of Block 0786A (Pin # 6834-68-1137.00), being located in the East line of Tax Lot 214 of Block 0786A (Pin # 6834-68-0390.00), and being located at the point and place of BEGINNING.

Running thence with the zoning line as it crosses over Tax Lot 214 of Block 0786A (Pin # 6834-68-0390.00) N 59°23'45"W 126.67 feet to an existing iron pipe located at the Northwest corner of Tax Lot 214 of Block 0786A (Pin # 6834-68-0390.00) and the Southwest corner of the South line of Tax Lot 201 of Block 0786A (Pin # 6834-68-0338.00);

Thence with the common line between Tax Lot 214 of Block 0786A (Pin # 6834-68-0390.00) and Tax Lots 201 (Pin # 6834-68-0307.00), 212 (Pin # 6834-68-0443.00), and 211 (Pin # 6834-68-0479.00) of Block 0786A N 30°25'17"E 183.81 feet to an existing iron pipe at the Northeast corner of Tax Lot 214 of Block 0786A (Pin # 6834-68-0390.00) and in the Southwest right of way of Fayetteville Street;

Thence with the Northeast property line of Tax Lot 214 of Block 0786A and the Southwest right of way line of Fayetteville Street S 59°36'08"E 43.89 feet to an existing iron pipe located at the Northeast corner of Tax Lot 214 of Block 0786A (Pin # 6834-68-0390.00), at the Southwest corner of the end of Fayetteville Street, and at a point in the right of way line of the exit ramp from US 52 Southbound at the Waughtown Street exit;

Thence with the East property line of Tax Lot 214 of Block 0786A (Pin # 6834-68-0390.00) and the West right of way line of the exit ramp S 06°08'43"W 201.98 feet to the right of way monument located at the point and place of BEGINNING.

The above described parcel contains 15,686 square feet (0.360 acre) and is known as the North Portion of Tax Lot 214 of Block 0786A. This legal description is based on a map prepared by Kale Engineering, titled Zoning Permit For Waughtown Leasing Company LLC, dated 08/17/09, revised 07/15/10, and numbered 09051.

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

PETITION INFORMATION			
<b>Docket #</b>	W-3077		
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>		
<b>Petitioner(s)</b>	Waughtown Leasing Company, LLC		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	Portion of PIN #6834-68-0390		
<b>Address</b>	Directly behind 411 Waughtown Street		
<b>Type of Request</b>	General Use rezoning from LI to HB		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> LI (Limited Industrial District) <b>to</b> HB (Highway Business District).</p> <p><b>NOTE:</b> Both general, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.</p>		
<b>Neighborhood Contact/Meeting</b>	The site engineer for the petitioner states that the petitioner is now in the process of contacting the neighboring property owners.		
<b>Zoning District Purpose Statement</b>	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs 2, 3 and 4.		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	Yes, the site is within GMA 2 and is a portion of a commercially developed property (zoned HB) which fronts on a Major Thoroughfare.		
GENERAL SITE INFORMATION			
<b>Location</b>	Southeast terminus of Fayetteville Street, east of Lomond Street		
<b>Jurisdiction</b>	City of Winston-Salem		
<b>Ward(s)</b>	East		
<b>Site Acreage</b>	± .36 acre		
<b>Current Land Use</b>	The site is undeveloped with the exception of some storage trailers associated with the adjacent business.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	LI	Industrial use
	East	LI	Exist ramp for US 52
	South	HB	Retail and office uses
	East	LI	Single family homes

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	Yes, the uses allowed in the HB zoning would be compatible with the surrounding HB and LI zoning.			
<b>Physical Characteristics</b>	The site is predominantly wooded and has a moderate slope downward to the northeast.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not within a water supply watershed.			
<b>Analysis of General Site Information</b>	The site has no apparent constraints and is suitable for development within the proposed HB District.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Fayetteville Street	Local Street	42'	NA	NA
US 52 exit ramp	Freeway	197'	57,000 (main roadway)	63,600 (main roadway)
<b>Proposed Access Point(s)</b>	Because this is a General Use rezoning with no site plan, the exact location of access points is unknown; however, the site does have public road frontage on Fayetteville Street. If rezoned the site would become one zoning lot with access on Waughtown Street.			
<b>Trip Generation - Existing/Proposed</b>	No trip rates are available for the existing and proposed General Use zoning.			
<b>Sidewalks</b>	Sidewalks are located along Waughtown Street.			
<b>Transit</b>	Route 3 runs along Waughtown Street approximately 190' to the south.			
<b>Analysis of Site Access and Transportation Information</b>	Staff does not anticipate any negative transportation impacts from this request.			
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>				
<b>Legacy GMA</b>	Growth Management Area 2, Urban Neighborhoods			
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>• Stimulate new development in slow growth areas within the Municipal Services Area.</li> <li>• Revitalize and concentrate development in downtowns and existing commercial centers, maximizing the density in these areas rather than promoting growth at the suburban fringe.</li> <li>• Infill development, like any land use issue, must balance the concerns of surrounding residents about the preservation of the character of their neighborhood with the needs of property owners and developers and the goals of the larger community.</li> </ul>			

<b>Relevant Area Plan(s)</b>	<i>South Central Area Plan, 2003</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The <i>South Central Area Plan</i> recommends commercial development for the subject property.</li> </ul>
<b>Other Applicable Plans and Planning Issues</b>	<p>There are two other planning issues pertaining to the subject request which are worth noting.</p> <ol style="list-style-type: none"> <li>Earlier this year Variance from the Zoning Board of Adjustment was granted which waived the 20' Thoroughfare Overlay requirement along the exit ramp of US 52. The basis for this variance was the excessive slopes and existing vegetation.</li> <li>The second issue is regarding the uses of the existing and proposed districts. Appendix A includes all the uses permitted within the LI and HB Districts. The uses which are allowed in the proposed HB District which are not allowed in the existing LI District are as follows: Bed and Breakfast; Boarding or Rooming House; Car Wash; Cemetery; Club or Lodge; Convenience Store; Correctional Institution; Food or Drug Store; Funeral Home; Furniture and Home Furnishings Store; Golf Course; Hotel or Motel; Institutional Vocational Training Facility; Library, Public; Motorcycle Dealer; Museum or Art Gallery; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display Retail; Park and Shuttle Lot; Recreation Services, Outdoor; Recreational Vehicle Park; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; Shopping Center; Stadium, Coliseum, or Exhibition Building; Storage and Salvage Yard; Storage Services, Retail; Theater, Drive-In; Theater, Indoor; Veterinary Services; Child Day Care Center; Habilitation Facility C; School, Private; and School, Public</li> </ol>
<b>Addressing</b>	No address number or street naming concerns.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>(R)(4) - Is the requested action in conformance with <i>Legacy</i>?</b>
Yes	
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The request is to rezone a portion of a lot which currently has dual zoning. The northern portion of the lot, which is the subject property, is zoned LI and the southern portion is zoned HB. The <i>South Central Area Plan</i> recommends commercial zoning for the site. <i>Legacy</i> recommends stimulating new development in slow growth, infill areas.</p> <p>Staff supports the subject request but does note that the loss of industrially zoned property often poses a concern. However, this concern is mitigated by the relatively small size of the subject property and its connection with the adjacent HB zoned site.</p>

RELEVANT ZONING HISTORIES	
There are no recent rezoning cases in the vicinity of the subject property.	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
Request is consistent with the recommendations of the <i>South Central Area Plan</i> .	Approval of the request would result in the loss of a small tract of industrially zoned land.
Request is consistent with the recommendations of <i>Legacy</i> .	
The request is consistent with the purpose statement of the HB district.	

**STAFF RECOMMENDATION: Approval**

**NOTE:** These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**



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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3077  
SEPTEMBER 9, 2010**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Wesley Curtis moved approval of the zoning map amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Barry Lyons, Lynne Mitchell, Paul  
Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning

## W-3077 Appendix A

### USES ALLOWED IN THE LI ZONING DISTRICT FOR THE CITY OF WINSTON-SALEM

#### **USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)**

Academic Biomedical Research Facility  
Academic Medical Center  
Animal Shelter, Public  
Arts and Crafts Studio  
Banking and Financial Services  
Building Contractors, General  
Building Contractors, Heavy  
Building Materials Supply  
Child Care, Drop-In  
Church or Religious Institution, Community  
Church or Religious Institution, Neighborhood  
College or University  
Fish Hatchery  
Fuel Dealer  
Government Offices, Neighborhood Organization, or Post Office  
Hospital or Health Center  
Kennel, Indoor  
Manufacturing A  
Manufacturing B  
Motor Vehicle, Body or Paint Shop  
Motor Vehicle, Rental and Leasing  
Motor Vehicle, Repair and Maintenance  
Motor Vehicle, Storage Yard  
Offices  
Park and Shuttle Lot  
Parking, Commercial  
Police or Fire Station  
Postal Processing Facility  
Recreation Facility, Public  
Recreation Services, Indoor  
Recycling Center  
School, Vocational or Professional  
Services A  
Services B  
Signs, Off-Premises  
Storage Services, Retail  
Terminal, Bus or Taxi  
Testing and Research Lab  
Utilities  
Warehousing

## **W-3077 Appendix A**

### **USES ALLOWED IN THE LI ZONING DISTRICT FOR THE CITY OF WINSTON-SALEM**

Wholesale Trade A  
Wholesale Trade B

#### **USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)**

Adult Day Care Center  
Child Care, Sick Children  
Child Day Care Center  
Landfill, Construction and Demolition  
Landfill, Land Clearing/Inert Debris  
Transmission Tower

#### **USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)**

Borrow Site  
Dirt Storage  
Helistop  
Solid Waste Transfer Station

#### **USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)**

Access Easement, Private Off-Site  
Shelter for Homeless

## W-3077 Appendix A

### USES ALLOWED IN THE HB ZONING DISTRICT FOR THE CITY OF WINSTON-SALEM

#### **USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)**

Academic Biomedical Research Facility  
Academic Medical Center  
Animal Shelter, Public  
Arts and Crafts Studio  
Banking and Financial Services  
Bed and Breakfast  
Boarding or Rooming House  
Building Contractors, General  
Building Materials Supply  
Car Wash  
Cemetery  
Child Care, Drop-In  
Church or Religious Institution, Community  
Church or Religious Institution, Neighborhood  
Club or Lodge  
College or University  
Convenience Store  
Correctional Institution  
Food or Drug Store  
Fuel Dealer  
Funeral Home  
Furniture and Home Furnishings Store  
Golf Course  
Government Offices, Neighborhood Organization, or Post Office  
Hospital or Health Center  
Hotel or Motel  
Institutional Vocational Training Facility  
Kennel, Indoor  
Library, Public  
Motor Vehicle, Body or Paint Shop  
Motor Vehicle, Rental and Leasing  
Motor Vehicle, Repair and Maintenance  
Motor Vehicle, Storage Yard  
Motorcycle Dealer  
Museum or Art Gallery  
Nursery, Lawn and Garden Supply Store, Retail  
Offices  
Outdoor Display Retail  
Park and Shuttle Lot  
Parking, Commercial  
Police or Fire Station  
Recreation Facility, Public  
Recreation Services, Indoor

## W-3077 Appendix A

### USES ALLOWED IN THE HB ZONING DISTRICT FOR THE CITY OF WINSTON-SALEM

Recreation Services, Outdoor  
Recreational Vehicle Park  
Restaurant (with drive-through service)  
Restaurant (without drive-through service)  
Retail Store  
School, Vocational or Professional  
Services A  
Services B  
Shopping Center  
Signs, Off-Premises  
Stadium, Coliseum, or Exhibition Building  
Storage and Salvage Yard  
Storage Services, Retail  
Terminal, Bus or Taxi  
Testing and Research Lab  
Theater, Drive-In  
Theater, Indoor  
Utilities  
Veterinary Services  
Warehousing

#### **USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)**

Adult Day Care Center  
Child Care, Sick Children  
Child Day Care Center  
Habilitation Facility C  
Landfill, Construction and Demolition  
Landfill, Land Clearing/Inert Debris  
School, Private  
School, Public  
Transmission Tower

#### **USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)**

Borrow Site  
Dirt Storage  
Helistop

#### **USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)**

Access Easement, Private Off-Site